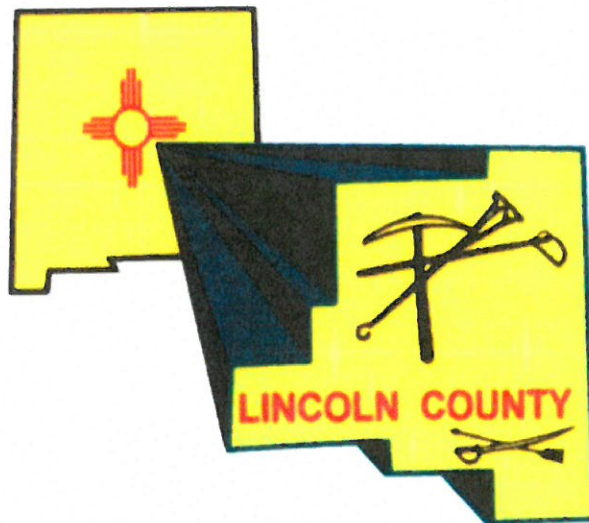


Lincoln County Probate Court  
300 Central Ave  
P O Box 338  
Carrizozo, New Mexico 88301  
(575)648-2394 ext 128  
[cemmons@lincolncountynm.gov](mailto:cemmons@lincolncountynm.gov)



Testate Forms  
(With Will)

**4B-302. Application for informal probate of will and for informal appointment of personal representative (will).**

[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, DECEASED.

**APPLICATION FOR INFORMAL  
PROBATE OF WILL  
AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE  
(WILL)<sup>1</sup>**

I, \_\_\_\_\_, state that

1. I had the following relationship with \_\_\_\_\_, the person who died  
(the decedent), that qualifies me to act as personal representative of the estate of the decedent<sup>1</sup>:

(Choose one)

(Review the priorities for appointment set out in Section 45-3-203(A) NMSA 1978 and Rule 1B-306 NMRA.)

☐ I have been nominated in the will of the decedent.

☐ I am the surviving spouse of the decedent and am listed in the will as a  
devisee.

☐ I am one of the devisees of the estate of the decedent as listed in the will.

☐ I am the surviving spouse of the decedent, but am not listed in the will as a  
devisee.

☐ I am one of the heirs of the estate of the decedent, but am not listed in the  
will as a devisee.

☐ I am an interested person, including a creditor of the decedent, and  
forty-five (45) days have elapsed since the date of death of the decedent.

Because of this relationship, I have an interest in the estate of the decedent, and I am  
willing to serve as personal representative of the estate of the decedent. I am not disqualified to  
act as personal representative. I do not know of anyone else who is interested in serving as

personal representative who has priority to serve.

2. The decedent died on \_\_\_\_\_ (date), at the age of \_\_\_\_\_.  
At death, the decedent

(Choose one)

☐ lived in \_\_\_\_\_ County, New Mexico.

☐ did not live in New Mexico, but lived in \_\_\_\_\_ County, State  
of \_\_\_\_\_ and owned property in \_\_\_\_\_ County, New Mexico.

3. I am filing the original of the will of the decedent, dated \_\_\_\_\_, at  
the same time I am filing this application. I believe that this is the current and correct will.

4. The following is a list of the devisees named in the will, [including myself]<sup>2</sup>,  
together with a list of the decedent's spouse, children, and heirs who may not be named in the  
will, if any:

Name	Address	Relationship To Decedent	Age (if minor)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. I believe that this will has been validly executed.

6. I have carefully searched for a document that revokes this will and have not found  
such a document.

7. A personal representative has not been appointed in New Mexico or anywhere  
else.

8. I do not know of any other probate action either in New Mexico or anywhere else.

9. (Choose one)

☐ I have checked with the district court clerk about a demand for notice and  
found no such demand. I have not received, and do not know of, any demand from anyone for  
notice of any probate or related proceeding.

☐ I am aware of a demand for notice and have sent the required notice to  
each person who demanded notice.

10. The decedent died more than one hundred twenty (120) hours ago. It has not been more than three (3) years since the decedent's death.

WHEREFORE, I ask this court to

- A. Enter an order informally probating the will of the decedent;
- B. Appoint me as the personal representative of the estate of the decedent;
- C. Allow me to serve without posting a bond, in an unsupervised administration;
- D. Ask the court clerk to issue Letters Testamentary to me; and
- E. Order any other relief as this court believes to be appropriate.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

(If anyone has an equal or higher priority than you for appointment as personal representative, as discussed in Rule 1B-306 NMRA, Step 1, have each sign below to show that person's consent to your serving as personal representative.)

I consent to the appointment of the personal representative listed above.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Relationship to decedent: \_\_\_\_\_

Street address: \_\_\_\_\_

City, state, and ZIP code: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Relationship to decedent: \_\_\_\_\_

Street address: \_\_\_\_\_

City, state, and ZIP code: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Relationship to decedent: \_\_\_\_\_

Street address: \_\_\_\_\_

City, state, and ZIP code: \_\_\_\_\_

#### USE NOTE

1. See NMSA 1978, Section 45-3-203 for priority among persons seeking appointment as personal representative and NMSA 1978, Section 45-3-301 for informal appointment of a personal representative.

2. If the applicant is an "heir," as defined in Rule 1B-102 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-102 recompiled and amended as 4B-302 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-304. Order of informal probate of will and appointment of personal representative (will).**

[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, DECEASED.

**ORDER OF INFORMAL PROBATE OF WILL AND  
APPOINTMENT OF PERSONAL REPRESENTATIVE  
(WILL)**

This matter comes before the court on the application for informal probate of the will of the decedent and for informal appointment as personal representative of the estate of the decedent. The court having considered the application, FINDS that

1. The Application for Informal Probate of Will and for Informal Appointment of Personal Representative is complete;
2. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that the statements contained in the application are true and correct;
3. On the basis of the statements in the application, this court has jurisdiction;
4. On the basis of the statements in the application, this court has venue;
5. An original, duly executed, and apparently unrevoked will of the decedent is in the possession of this court;
6. On the basis of the statements in the application, the applicant gave notice of the filing of the application to each person demanding notice, if any;
7. It appears from the application that this proceeding was commenced within the limitations prescribed by the laws of the State of New Mexico;
8. The applicant is an interested person as defined by law, and is not disqualified to serve as personal representative of the estate of the decedent;
9. From the statements in the application and from the contents of the will, the applicant has priority entitling the applicant to be appointed as personal representative of the estate of the decedent; and
10. According to the application, no other personal representative has been appointed in New Mexico or in any other state.

THEREFORE, THIS COURT ORDERS that

- A. The application is granted;
- B. The will of the decedent is informally probated;
- C. The applicant \_\_\_\_\_ (*name of applicant*) is informally appointed as the personal representative of the estate of the decedent, without bond, in an

unsupervised administration; and

D. Letters Testamentary shall be issued to the applicant upon the applicant's acceptance of the office of personal representative.

\_\_\_\_\_  
Probate Judge

Submitted by:

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

#### USE NOTE

*See* NMSA 1978, Section 45-3-308 for proof and findings required prior to appointment of personal representative and NMSA 1978, Section 45-3-307 for informal appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-104 recompiled and amended as 4B-304 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-305. Acceptance of appointment as personal representative (*no will*) (*will*).**  
[For use with Rules 1B-304 and 1B-306 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_,  
\_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

**ACCEPTANCE OF  
APPOINTMENT AS PERSONAL REPRESENTATIVE  
(*NO WILL*) (*WILL*)**

I, \_\_\_\_\_, accept the duties of personal representative of the estate of the decedent, and agree to perform the duties of the office to the best of my abilities according to the law.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

**USE NOTE**

See NMSA 1978, Section 45-3-307 and NMSA 1978, Section 45-3-601 for acceptance of appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-105 recompiled and amended as 4B-305 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-307. Letters testamentary (will).**

[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF  
\_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

**LETTERS TESTAMENTARY  
(WILL)**

TO WHOM IT MAY CONCERN:

Notice is now given that \_\_\_\_\_ (*name of personal representative*) has been appointed to serve as the personal representative of the estate of \_\_\_\_\_, and has qualified as the personal representative of the estate of the decedent by filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and specifically, by Section 45-3-715 NMSA 1978.

Issued this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Clerk of the Probate Court

By: \_\_\_\_\_  
Deputy Clerk

(Seal)

**USE NOTE**

See NMSA 1978, Section 45-3-103 and NMSA 1978, Section 45-3-601 for issuance of letters.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-107 recompiled and amended as 4B-307 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE



**DO NOT** complete the remaining documents  
until the Court has appointed you as  
Personal Representative of the Estate

**4B-401. Notice of informal appointment of personal representative.**

[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, DECEASED.

**NOTICE OF INFORMAL APPOINTMENT OF  
PERSONAL REPRESENTATIVE**

YOU ARE HEREBY NOTIFIED THAT

1. This notice is being sent to the heirs [and devisees]<sup>1</sup> of the decedent.
2. On \_\_\_\_\_, \_\_\_\_\_ (date), \_\_\_\_\_ (personal representative's name) was appointed the personal representative of the estate of the decedent in an informal proceeding under the Probate Code.
3. No bond has been filed.
4. All documents relating to the estate of the decedent are on file with the probate court of \_\_\_\_\_ County. They are available for your inspection.
5. The estate of the decedent is being administered by the personal representative according to the terms of the Probate Code without supervision from the court. You are entitled to information regarding the administration of the estate of the decedent from the personal representative. You may also petition the court in any matter relating to the estate of the decedent, including distribution of assets and expenses of administration.

Dated: \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of personal representative

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

## USE NOTE

1. If the decedent had a will, use the bracketed language. *See* Rule 1B-102 NMRA for the definition of a “devisee.”

2. *See* NMSA 1978, Section 45-3-705 for notice of appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-201 recompiled and amended as 4B-401 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-402. Proof of notice.**

[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, DECEASED.

**PROOF OF NOTICE**

I, \_\_\_\_\_, am the personal representative of the estate of the decedent. I have mailed a copy of the Notice of Informal Appointment of Personal Representative to the following people at the addresses listed below (*list all persons named in the will, if there is a will, and all heirs, even if not named in a will*):

**Heirs and devisees**

<b>Name</b>	<b>Address</b>
_____	_____
_____	_____
_____	_____
_____	_____

**People who have demanded notice**

<b>Name</b>	<b>Address</b>
_____	_____
_____	_____
_____	_____
_____	_____

Dated: \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of personal representative

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

USE NOTE

*See* NMSA 1978, Section 45-3-705 for proof of notice of appointment.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-202 recompiled and amended as 4B-402 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-501. Notice to creditors by publication and notice to creditors by written notice (mailing or other delivery).**

[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF  
\_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

**NOTICE TO CREDITORS**

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate of the decedent. All persons having claims against the estate of the decedent are required to present their claims within four (4) months after the date of the first publication of any published notice to creditors or sixty (60) days after the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the undersigned personal representative at the address listed below, or filed with the Probate Court of \_\_\_\_\_ County, New Mexico, located at the following address:

\_\_\_\_\_, \_\_\_\_\_  
Dated: \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of personal representative

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

**USE NOTE**

*See NMSA 1978, Sections 45-3-801 to 45-3-803 for notice to creditors provisions.*

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-301 recompiled and amended as 4B-501 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-601. Inventory.**

[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, DECEASED.

**INVENTORY**

I, \_\_\_\_\_, the personal representative of the estate of the decedent, have prepared an inventory of the property of the estate of the decedent.

I am sending a copy of this document to the interested people who have requested it. The inventory is as follows:

Item	Estimated Value on Date of Death	Mortgage or Lien
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____

\_\_\_\_\_  
Signature of personal representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

**USE NOTE**

See NMSA 1978, Sections 45-3-706 to 45-3-708 for preparation of inventory of property owned by the decedent.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-401 recompiled and amended as 4B-601 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-602. Accounting.**

[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO  
 IN THE PROBATE COURT  
 \_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF  
 \_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

**ACCOUNTING**

I, \_\_\_\_\_, the personal representative of the estate of the decedent, have prepared an accounting of the administration of the estate of the decedent.

I am sending a copy of this document to the distributees whose interests are affected by this accounting. The accounting is as follows:

**Cash and Other Assets in the Estate****A. Items from Inventory (not sold)****Value**

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____
6.	_____	\$ _____

**B. Items Received Since the Making of Inventory (not sold)****Value**

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____

**C. Items Sold****Sales Price****Sales Expense****Net Amount Received**

1.	_____	\$ _____	\$ _____	\$ _____
2.	_____	\$ _____	\$ _____	\$ _____
3.	_____	\$ _____	\$ _____	\$ _____
4.	_____	\$ _____	\$ _____	\$ _____
5.	_____	\$ _____	\$ _____	\$ _____
6.	_____	\$ _____	\$ _____	\$ _____

**D. Income Received****Amount**

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____

**Total of Cash and Other Assets:**

\$ \_\_\_\_\_

**Payments and Distributions****A. Payments to Creditors and  
for Expenses of Administration****Amount Paid**

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____
6.	_____	\$ _____

**B. Distributions to Devisees or Heirs****Value of  
Distribution**

1.	_____	\$ _____
2.	_____	\$ _____
3.	_____	\$ _____
4.	_____	\$ _____
5.	_____	\$ _____
6.	_____	\$ _____

**Total of Payments and Distributions:**

\$ \_\_\_\_\_

*(Total of Cash and Other Assets**should equal Total of Payments and Distributions.)*\_\_\_\_\_  
Signature of personal representative\_\_\_\_\_  
Printed name\_\_\_\_\_  
Date\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-501 recompiled and amended as 4B-602 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE



DO NOT complete the following documents  
until you have fulfilled your duties as  
Personal Representative of the Estate  
And are ready to close the estate.

Cannot be filed before 6 months from  
date appointed as Personal Representative

**4B-701. Verified closing statement of the personal representative.**  
[For use with Rules 1B-304, 1B-306, and 1B-601 NMRA]

STATE OF NEW MEXICO  
IN THE PROBATE COURT  
\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_,  
\_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

**VERIFIED CLOSING STATEMENT OF THE PERSONAL REPRESENTATIVE**

I, \_\_\_\_\_, state that

1. I am the personal representative of the estate of the decedent;
2. The probate was filed more than six (6) months ago and the time for the presentation of creditor's claims has expired;
3. I have completed my work on the estate of the decedent. In order to do this, I
  - A. inventoried and estimated the value in writing of all of the decedent's property and encumbrances on this property;
  - B. resolved all claims that were presented to me, either by paying them or otherwise taking care of them;
  - C. paid all the expenses of administration;
  - D. paid federal and state taxes that were due, including estate tax, inheritance or other death taxes, and income taxes; and
  - E. distributed all the remaining assets, including decedent's real property, if any, to the people who were entitled to receive them, taking into account the family and personal property allowances allowed by law. The distributions were in the appropriate amounts;
4. I mailed a copy of this document to anyone entitled to a distribution from the estate of the decedent. I also mailed a copy of the accounting of this estate to anyone entitled to a distribution from this estate whose interests were affected by the accounting;
5. As far as I know, there are no other actions pending in any court; and
6. By this closing statement, I am indicating to the court that I am closing the estate.

I affirm under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct.

\_\_\_\_\_  
Signature of personal representative

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

USE NOTE

**WARNING:** Do not submit this form to the court until you have completed ALL estate work. Once this form is filed with the court, the personal representative no longer has authority to act on behalf of the decedent's estate.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-502 recompiled and amended as 4B-701 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]